

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

CSX TRANSPORTATION, INC.,)
Individually and on behalf)
of NORFOLK & PORTSMOUTH)
BELT LINE RAILROAD)
COMPANY,)
Plaintiff,)
V.) NO. 2:18cv530
NORFOLK SOUTHERN RAILWAY)
COMPANY, NORFOLK &)
PORTSMOUTH BELT LINE)
RAILROAD COMPANY, JERRY)
HALL, THOMAS HURLBUT,)
PHILIP MERILLI and CANNON)
MOSS,)
Defendants.)

30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF

NPBL by its designee CANNON MOSS

TAKEN ON BEHALF OF THE PLAINTIFF

Norfolk, Virginia

February 14, 2020

1 A Again, I'm not sure. We were paying to
2 use that -- those diamonds, we were paying, you know, a
3 lot of money.

4 We don't have to pay that anymore. We
5 pay just a little bit of money. So those costs are
6 less.

7 Q Okay. So is that cost being passed on to
8 the customer?

9 A What, the savings?

10 Q Yes.

11 The decrease in cost. I'm sorry, I will
12 be a little more specific.

13 A Well, this was signed in 2008 and I know
14 we took a -- last time we changed the rate was in 2010
15 and that was a decrease, so maybe it had something to
16 do with this.

17 Q When you say "a decrease in rate," you
18 mean for which now?

19 A Our tariff rate.

20 Q That you charged everyone?

21 A Correct.

22 Q Okay. So if you are using Portlock as a
23 run-around, does that mean the train is over 73 feet?

24 A That means a car could be over 73 --

25 Q A car.